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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,638	10/29/2003	Hisashi Kuroshima	17154	5491
23389 7590 07/15/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
EXAMINER				
CONLEY, SEAN EVERETT				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
07/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/696,638

Applicant(s)

KUROSHIMA ET AL.

Examiner

SEAN E. CONLEY

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 and 12-35 is/are pending in the application.
4a) Of the above claim(s) 27-34 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 7-10, 12-26 and 35 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed April 29, 2008 has been received and considered for examination. Claims 7-10 and 12-35 are pending with claims 27-34 remaining withdrawn from consideration for being directed to a non-elected species.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 7-10, 12-16, 21-23, 25-26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hearne (U.S. Patent No. 5,069,273) in view of Neidhardt et al. (U.S. Patent No. 4,021,213) .

Regarding claims 21, 25 and 35, O'Hearne discloses a device comprising: a cooling holding unit (refrigerated compartment (26)) capable of holding and cooling sterilized equipment which has been sterilized by hot steam, the cooling holding unit having a fan (96) pulling air from a first channel and capable of directing an airflow over a sterilized medical equipment (see figure 4); a drying holding (heated compartment (24)) unit capable of holding and drying the sterilized equipment; and a storage unit (storage compartment (29)) capable holding and storing the sterilized equipment. The cooling unit, drying unit, and storage unit are all contained in a common unit (cabinet (22)) (see figures 1-2; see col. 2, line 43 to col. 3, line 67). Furthermore, the cooling

holding unit (refrigerated compartment (26)) is capable of being arranged, via wheels (108, 110) of cabinet (22), near a steam sterilization device for sterilizing medical equipment. However, O'Hearne fails to disclose one or more second fans arranged underneath the rack (the rack capable of holding medical equipment) for exhausting air into a second channel.

Neidhardt et al. discloses a refrigeration cabinet having inlet and outlet fans for improving the cooling of the foods inside the unit. Specifically, the refrigeration unit (10) has a refrigeration chamber (21) that includes a pair of inlet fans and a pair of outlet fans (30, 34) for circulating the air from the refrigeration chamber, over the evaporator coil (38), and back into the refrigeration chamber (see figures 1-3; see col. 1, line 65 to col. 2, line 47). The arrangement and use of inlet and outlet fans to recirculate the air inside the enclosure creates highly turbulent air flow which greatly improves the heat transfer cooling characteristics to the food in the cabinet (see col. 2, lines 42-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of O'Hearne and include one or more second fans (outlet fans) arranged in the opening of the air recirculation channel, as exemplified by Neidhardt et al., in order to improve cooling of the objects inside the refrigeration unit. This arrangement results in the second fans exhausting air into a second channel and being located under the sterilized medical equipment when the cabinet (22) is used as a cooling unit for medical equipment.

Regarding claims 7-10, 22 and 26, O'Hearne discloses a cooling holding unit (26) comprising containers (trays (102)) that are inserted into racks (100). Furthermore, the

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trays (102) inserted into racks (100) have sidewalls which are the positioning portions that are capable of generally positioning the sterilized equipment such as endoscopes which are to be held therein (see figure 4; see col. 5, lines 52-59). As shown in figure 4, the trays (102) contain lowered positioning portions formed by the sidewalls and the bottom of the tray, wherein the sterilized equipment such as endoscopes can be held and arranged to fit the shape of the tray.

Regarding claim 23, O'Hearne discloses a drying holding unit (24) which has containers (trays (70)) capable of storing the sterilized equipment (see figure 6; see col. 4, lines 65-68).

Regarding claims 14-16, O'Hearne discloses that the storage unit, cooling unit and drying unit are all capable of being opened and closed by means of a door. Specifically, all compartments (24, 26, and 29) of the cabinet (22) are opened and closed by doors (see figures 1 and 2; see col. 5, lines 30-40; see col. 3, lines 20-30).

Regarding claims 12-13, O'Hearne discloses a cooling section (compartment (24)) having a fan (96) and a plurality of removable trays (70) which contain a plurality of apertures (76) forming a mesh that enable circulation of the cold air around the items contained in the tray (see figure 7; see col. 2, lines 59-64; see col. 4, line 65 to col. 5, line 7). However, O'Hearne only discloses a single inlet fan. Neidhardt et al. discloses the use of pairs of inlet and outlet fans to enhance air circulation (see figures 1-3; see col. 1, line 65 to col. 2, line 47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize more than one inlet or outlet fan in the invention of O'Hearne to improve air circulation and cooling as taught

by Neidhardt et al., since Neidhardt et al. and O'Hearne are both concerned with cooling the items inside the refrigerated enclosure.

In addition, in view of the legal precedent established by the prior case law *St. Regis Paper Co. V. Bemis Co., Inc.* 193 USPQ 8, 11 (7th Cir. 1977) which states that duplication of parts for a multiplied effect has no patentable significance, it would have been well within the purview and obvious to one of ordinary skill in the art at the time the invention was made to provide additional inlet or outlet fans in the cooling unit for enhancing the air circulation and thus improving the cooling of the items in the enclosure.

4. Claims 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hearne in view of Neidhardt et al. as applied to claim 21 above, and further in view of Northrop et al. (U.S. Patent No. 6,619,768 B1).

The combination of O'Hearne in view of Neidhardt et al. is set forth above. O'Hearne discloses a food serving cart having a storage compartment (29) for storing dishes and utensils (see col. 2, lines 67-68). However, O'Hearne fails to explicitly disclose a storage compartment having a storage container or being sectioned into storage areas according to the size of the items being stored.

Northrop et al. disclose a portable storage container for carrying plates, dishes and utensils, wherein the container is sectioned into compartments according to the size of the items being stored (see figure 6). Northrop et al. disclose that such a container

solves the problem of the burden that arises when trying to carry or transport a large number of dishes and utensils which are usually grouped together in a variety of bags, containers, or boxes (see col. 1, lines 15-22; see col. 4, lines 15-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of O'Hearne and include a storage container in the storage compartment or section the storage area into compartments according to the size of the items being stored as exemplified by Northrop et al. in order to organize and more easily transport the dishes and utensils.

5. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hearne in view of Neidhardt et al. as applied to claim 22 above, and further in view of Jacobs (U.S. Patent No. 3,914,957).

The combination of O'Hearne in view of Neidhardt et al. disclose the claimed invention except for a cooling unit (refrigeration section) having containers capable of storing sterilized equipment which comprise detachable cooling members having cooling means, wherein the cooling members are lids for covering the containers.

Jacobs discloses a fast cooling liquid dispensing container for use in a refrigerator (see col. 1, lines 4-10). The cooling liquid dispensing container is a container (38) that includes a lid (40), wherein the lid (40) has a tunnel or passage (68) so that the container receives the cool air from the evaporator of the refrigeration system (see figures 1-2; see col. 3, lines 17-52). Thus the passage (68) in the lid is the

cooling means for providing fast cooling to the items stored in the container (38). The container (38) is capable of storing sterilized equipment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cooling unit of O'Hearne and include containers having cooling members that are lids as exemplified by Jacobs in order to provide fast cooling of the items stored in the containers.

Response to Arguments

6. Applicant's arguments with respect to claims 7-10, 12-25 and 35 have been considered but are moot in view of the new ground(s) of rejection. The applicant's amendment necessitated the new grounds of rejection. The previously relied upon prior art references of O'Hearne (U.S. Patent No. 5,069,273), Northrop et al. (U.S. Patent No. 6,619,768 B1), and Jacobs (U.S. Patent No. 3,914,957) have been relied upon to teach the same limitations indicated in the previous office action mailed on January 29, 2008.

The newly cited and relied upon reference to Neidhardt et al. (U.S. Patent No. 4,021,213) has been relied upon to teach the new claim limitations directed to the first and second pairs of fans and the arrangement of said fans. See the above rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E. Conley whose telephone number is 571-272-8414. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 10, 2008

/Sean E Conley/
Primary Examiner, Art Unit 1797